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PRELIMINARY REPORT OF THE LEGISLATIVE TASK FORCE

This material presents the recommendations and in some cases alternative suggestions of the Legislative Task Force with respect to legislation which may be required for the establishment of a Career Service in CIA.

The memorandum of the Chairman presents in paragraph 2 the concept of a Career Service which served to guide the Task Force, and indicates in paragraph 3 that it is essential that such a Career Service be founded on statute rather than administrative action. It presents in summary fashion in paragraph 4 the factors and principles upon which CIA Career Service legislation should be based. An elaboration of each summarized principle is presented in the correspondingly lettered tabs attached to the memorandum.

In order for the Legislative Task Force to proceed with its mission and prepare more definitive recommendations, it is necessary for the CIA Career Service Board to provide the Task Force with specific policy guidance with respect to each principle presented in its report.

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MEMORANDUM FOR: The Chairman, CIA Career Service Board 13 August 53

SUBJECT: Preliminary Report of the Legislative Task Force

1. As a result of your meeting with the members of this Group on 24 July 1953, there is submitted herewith a summary outline which includes recommendations and in some cases alternative suggestions related to legislation which may be required for the establishment of a career service. From this outline it is hoped that policy guidance may be afforded this Group in order that it can make more definitive recommendations.

2. In order to perform effectively the assigned mission of CIA, which is a qualitative task and not quantitative, it is essential that its personnel be of superior quality. That goal can be reached only through an effective Career Service program. In order to have any fruitful discussions of this problem it seems essential there be an agreed concept of the framework of a career service. While not specifically so stated heretofore we believe this concept should be as follows:

"The career service is a group of dedicated people, carefully selected and extensively trained, who accept an obligation to devote themselves permanently to the needs of the intelligence service of the U. S. Government in return for which they would receive the satisfaction of a job well done and such emoluments and benefits as are appropriate to such a service including the expectancy of a permanent career in CIA."

3. At this time it is the opinion of a majority of the Task Force that to provide a solid foundation for such a Career Service it is essential that it be founded on statute. A career program based solely on administrative action is no program at all. Further, we believe that legislation is necessary to remove certain impediments and to create obligations of appropriate dignity. With the imposition of those obligations it is proper and fitting that certain rights and benefits be established and for this purpose legislation is required.

4. We are presenting in this paragraph, in summary fashion, the principles upon which a CIA career service act should be based. In the body of the paper the highlights only are presented and there will be reference to a tab which will explain in greater detail each of the specific points. Included below are all of the specific points in the memorandum of 26 June 1953 from the Executive Secretary of the Board to the Chairman. Also included are additional points deemed pertinent by this Group.

*also
trial period*

A. Additional Benefits for Personnel Disabled While in Employment of CIA: The present recommendation is that nothing additional by way of statutory authority be requested in this field with the possible exception of personnel who are abroad on TDY assignment and personnel in certain categories who have been stricken with mental disability. (See Tab A)

*Noted
in Tab A*

B. Missing Persons Act: We believe the Office of the General Counsel should be instructed that CIA will support any general legislation in the Govern-

act on this subject. In order to assure that CIA would be adequately protected that office should also prepare specific legislation relating to CIA in the event the atmosphere changes and general legislation on the subject fails passage. (See Tab B)

C. Application of the Principles of United States Employees Compensation Act to Dependents of Employees: Alternatives involved here would include:

- (1) No action.
- (2) Applying the somewhat restrictive principles of the Act to dependents of employees assigned abroad.
- (3) Applying the more liberal standards of medical care under Public Law 110 to dependents of personnel assigned abroad.

This group does recommend that no action be taken with respect to dependents of personnel assigned within the United States. (See Tab C)

D. Death Gratuities of Six-Months Base Pay: This allowance presently applies in the case of military personnel and basically was designed to tide a widow over the crucial period following the husband's death and it is not based on service connection. There is no precedent for such a benefit for civilians. It has been stated that probably in many death cases of employees of CIA due to cover and security reasons there might be a substantial period of time prior to payment of either death benefits, final pay, or settlement of insurance. For this reason it might be desirable to establish a death gratuity which CIA could pay immediately. It has been suggested that possibly the six-months of salary is excessive and possibly in considering the matter the amount could be reduced to two or four months. (See Tab D)

E. A More Liberal Retirement System: In discussing this subject it was pointed out that many of the features upon which retirement is based could be altered to provide a more liberal system. These features would include reducing retirement age, increasing the factor on which the actual retirement pay is based, or reducing the number of years service required. It was agreed that the Task Force could not advocate a non-contributory retirement system. With respect to justification or necessity for a more liberal system, it was agreed that a CIA career service would have as good, if not better, justification as the Foreign Service, and for certain categories the justification would equal that applicable to investigatory personnel. The disadvantages of establishing a CIA fund were discussed and there seemed to be substantial advantage in utilizing the Civil Service Retirement fund. The attached tab includes a discussion of various retirement plans and also includes a suggested plan which is geared to the Civil Service Retirement Act and provides more liberal credit based mathematically on length of service abroad. (See Tab E).

F. An Appropriate and Adequate Leave System: In view of the recent over-all legislation on the subject of leave which establishes one basic leave system for all of Government this group recommends no change in this respect. However, the group does recommend that, as with State, there be superimposed by statute home leave benefits which amount to one week of leave for every four months abroad. (See Tab F)

G. Educational Allowances to Employees Serving Overseas: In view of the previous detailed hearings on the over-all Government bill on this subject this group agreed that we should support such legislation. The group agreed

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that as a principle, allowances should be granted to employees to assist in schooling of dependents where employees are stationed abroad and inadequate schooling is available. It was further agreed that no such allowances should be considered beyond high school level. This group also considered, without decision, the desirability of similar legislative authority for certain cases that might occur in remote areas of the U.S. (See Tab G)

H. Dual Compensation: This group examined this problem and believes that it is not a proper subject for consideration by it.

I. Pay: While this subject is entitled Pay, this group interpreted it to include both pay scales and classification systems. In connection with pay scales there are numerous approaches that could be taken. However, this group has recommended that CIA retain the present GS scale including the CPC scale and the Wage Board scale. There was considerable discussion of the classification system. There were many arguments advanced for the concept that within a career service an employee once having obtained a certain grade or rank should retain that grade unless demoted for cause. It is essentially the concept of the individual carrying the rank on his shoulder. This concept is of course at variance with Civil Service classification approach applicable throughout Government. On the other hand, it is consistent with other career services in Government such as Foreign Service, Military, and Public Health Service. There are many variations of the two concepts and it is believed that they could be blended. However, any final recommendations by this group will depend on definition, and recognition of CIA needs in order to determine which system best fulfills these needs. (Tab I)

J. Selection of Supervisors: This group believes that this subject is not proper for consideration by the Task Force and in any event probably should not be considered in any proposed legislation.

K. Incentive Awards Programs: At the present time there are two basic authorities on which incentive awards programs are based within the Government. The first is based on Public Law 600 and the second is based on the Classification Act of 1949. The provisions of these laws are overlapping and there has been effort to get one combined bill. The present program of CIA stems from the authority of Public Law 600. It is believed that even in the absence of that authority CIA could establish an appropriate program by virtue of its general authorities under Public Law 110 and its exemptions from the Classification Act of 1949.

Recommendation: (a) No legislation be sought by CIA on this subject.
(b) CIA should be informed on the over-all bill (S3492) to ascertain if it would cover CIA and if it does not, whether or not coverage would be desirable. (See Tab K)

L. Personnel Evaluation: This group recommends that General Counsel be assigned the responsibility for preparing appropriate legislation to exempt CIA from the Performance Rating Act of 1950. We also believe that the evaluation system probably would not be the proper subject for legislation. (See Tab L)

M. Hardship Posts: This Group saw no reason why CIA should approach the problem of hardship posts in a manner different from that utilized by Department of State. Monetary allowances and shorter tours of duty for hardship posts

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can be accomplished administratively applying the criteria used by Department of State. In those areas where State Department does not have posts, CIA, following the same criteria, could establish on its own appropriate hardship posts. The Foreign Service is authorized by law to give additional credit for retirement purposes in specific posts designated by the President. CIA can only do this by legislation and the sample retirement plan included in Tab M contemplates this. (See Tab M)

N. 24-Hour Duty Concept: The Task Force generally agreed that this problem should be considered in terms of placing obligations on CIA career employees through establishment by statute that a member of the Career Service must be subject to CIA orders at all times with respect to duties at any time, at any place, and for any type of duty. A basic question can be raised whether all members of the Service should be subject to these conditions or whether only certain groups should. (See Tab N.)

O. Tenure and Job-Security: This group believes that tenure and job-security in a career service program must be founded on statutory authority and must be responsive to the needs of CIA without outside review of its day-to-day decisions. In lieu thereof there should be statutory requirements for orderly determination of unsuitability or failure to measure up to standards required for careerists. It is also believed that a careerist should be able to look forward to a lifetime career with CIA until retirement or "selection out". By the same token CIA should expect the same from the careerist with orderly procedures for acceptance of resignation in warranted cases. (See Tab O)

P. Reduction in Force: This point is related to the above in that present legislation (namely the Veterans Preference Act) which is applicable to CIA, requires certain specific procedures to be followed. Such procedures, as well as specific cases, are subject to outside review. In order to be relieved of the present statutory requirement it is believed that a substitute in any CIA career legislation must be provided. (See Tab P)

Q. Medical Benefits: 1 and 2 of this item are covered by C. Items 3 and 4 are covered by A.

R. Insurance: In view of the insurance task force which is studying this over-all problem, this group believes it inappropriate for us to consider the problem.

S. Reserve: The Task Force recommends that legislation provide for a reserve program. In essence, the legislation should simply provide for the establishment of a reserve under regulations to be prescribed by the DCI. Of interest in this connection is that Foreign Service Act grants to reservists who have come from other agencies, with the consent of those agencies, re-employment rights with the previous Government department. This provision could be of great assistance to CIA in bringing in other Government employees for temporary periods either in emergency or otherwise. Legislative authority also should be sought to authorize "inactive duty training" of CIA reservists. There is raised for policy consideration the question of whether or not CIA should secure authority to order CIA reservists to duty. (See Tab S)

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T. Obligations: The Task strongly recommends that as an essential ingredient to a career service act that there be imposed specific obligations and prohibitions on careerists. Those obligations would relate to places at which duty is to be performed as well as the type of duty to be performed. In addition, it would establish a concept of service as a careerist until retirement or "selection out". Resignation would be permissible only in unusual cases and for good cause established to the satisfaction of CIA. The prohibition would go further by prohibiting activity of careerists in certain fields of their personal life. On the assumption that the 24-hour duty concept would be established, there would be no such thing as off-duty hours and the proper prohibitions are deemed necessary. The attached Tab includes some of the prohibitions and obligations included in the Foreign Service Act. (See Tab T)

U. Relief from Personal Hardship Cases: In providing what are considered proper and necessary benefits in other parts of the career service act and through utilizing, to the fullest, present authority of CIA, this group believes that no further legislative provision need be or should be contemplated. Therefore, personal hardships of an individual arising out of his own improvidence or unfortunate circumstances not created by CIA employment are not the responsibility of CIA despite the effect such circumstances may have on the employee and thus indirectly on CIA. (See Tab U)

W. Organization and Structure: The title of this category indicates the questions which originally were to have been considered. However, additional matters have been included here for convenience.

(1) In studying other career service legislation there are generally included provisions related to organization, functions, and positions, but at this time the Task Force is simply raising questions for policy guidance.

(a) Should legislative provision be made for positions in CIA in addition to those of the Director and Deputy Director?

(b) Should there be a position of "Director of the Career Service" established by statute and assigned responsibility for the CIA Career Service.

(c) Should there be established by statute a position of "Inspector of the Career Service" whose function would be different from that of the present CIA Inspector General?

(d) Would it be advantageous or appropriate to spell out the assigned mission of CIA in any greater detail?

(2) Consideration must be given to establishing the number of career service employees within CIA. In view of the security problem, it is suggested that it is possible that legislation could direct that the numbers be established and delegate authority to either the National Security Council or the Joint Congressional Committee for CIA.

(a) Should legislation provide statutory basis for two or more intelligence services whose requirements, restrictions, and benefits, would respect to the essential differences in the needs of the various groups within the Agency?

(3) There are other questions which the Task Force raised which are related to either reserve personnel or military service:

(a) Should there be legislative provision for creditable service for military reservists who are sent abroad in circumstances where they cannot continue their reserve activities.

(b) For certain personnel who perform service substantially similar to military service abroad, should there be legislative provision to grant credit for such service toward the obligatory military service requirements?

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(c) In a period of national emergency or actual wartime conditions should military-type service with CIA for civilians be established by statute as equivalent service for various Veterans benefits.

5. In view of the complexity of certain of the subjects listed above, the Task Force did not conduct detailed studies but hoped to raise all possible alternatives in order to secure policy guidance. On certain of the other points, experience and knowledge was sufficient to make specific recommendations. In addition, there may be other desirable points to consider which this Task Force has not listed. Prior to further study by the Task Force as detailed comments as possible will be of invaluable assistance in preparing our final report.

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JOHN S. BERNER
Chairman of the Legislative Task Force

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